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17510 U.S. PTO
10/743740



Date: December 24, 2003

Docket No.: 1422-0619P

MS PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is a Request for filing a ☐ continuation ☒ divisional
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of
pending prior Application No. 10/337,277 filed on January 7,
2003, the entire contents of which are hereby incorporated by
reference,
by

Eiichi IISHI and Yoshiyuki IMAMIYA

for

ANHYDROUS MIRTAZAPINE CRYSTALS AND PROCESS FOR PREPARING THE SAME

1. ☒ Enclosed is an application consisting of specification,
claims, declaration and drawings/photographs (if
applicable).

2. ☒ The filing fee has been calculated as follows:

	BASIC FEE		LARGE ENTITY	SMALL ENTITY
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	2-20 =	0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	1-3 =	0	x 86 = \$0.00	x 43 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$290.00	+ \$145.00
TOTAL			\$770.00	\$0.00

3. ☒ A check in the amount of \$770.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. ☒ Enclosed is/are nine (2) sheet(s) of formal drawings and/or photographs.
- 6a. ☐ A statement claiming small entity status was filed in prior Application No. 10/337,277 on _____. See the attached copy of the statement claiming small entity status.
- 6b. ☐ The current application qualifies for small entity status.
7. ☒ The prior application is assigned to Sumika Fine Chemicals Co., Ltd.
8. ☐ A Preliminary Amendment is enclosed.
- 9a. ☐ Priority of Application No(s). _____ filed in _____ on _____ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on _____.
- 9b. ☒ Priority of International Appln. PCT/JP00/04835 filed on July 19, 2000 under the Patent Cooperation Treaty and Japanese Application No. 11-333049 and 2000-67476

filed in Japan on November 24, 1999 and March 10, 2000 under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.

✓ 10. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.

11. ☒ Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

or

Customer No. 02292

12. ☐ An extension of time for _____ () month(s) until _____ has been submitted in parent Application No. 10/337,277 in order to establish co-pendency with the present application.

13. ☐ Also enclosed herewith is the following:


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Gerald M. Murphy, Jr., #28,977

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Attachment(s)

(Rev. 10/30/03)